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Other Orders/Judgments

3:07-cr-03246-DMS USA v. Coleman

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 12/17/2007 at 4:21 PM PST and filed on 12/13/2007

Case Name: USA v. Coleman

Case Number: 3:07-cr-3246

Filer:

Document Number: 4

Docket Text:

ORDER Setting Conditions of Release Bond set for Benjamin Leon Coleman (1) \$30,000 P/S secured by deft and one(1) FRA. Signed by Judge Barbara Lynn Major on 12/13/07. (lao)

3:07-cr-3246-1 Notice has been electronically mailed to:

U S Attorney CR Efile.dkt.gc2@usdoj.gov

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Grand Junction, CO 81503

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Document description:Main Document

Original filename:n/a

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[STAMP dcecfStamp_ID=1106146653 [Date=12/17/2007]

[FileNumber=2325786-0]

[775474e08e8ffa82308f14a7af1b121ee48accd3b1092fc7ddf3f250f2ab7dbf27ee0b239dafed495dfd9e2d8234ff64ae381a2ce180cce6f09eb24177847422]]

FILED

DEC 13 2007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACLERK, U.S. DISTRICT COURT
UNITED STATES OF AMERICA
BY: *[Signature]*

Plaintiff,)

CRIMINAL CASE NO. 07CR 3246 - DMS**ORDER AND CONDITIONS OF PRETRIAL****RELEASE: BAIL (18 U.S.C. § 3142(c))**

(i) Benjamin Leon Coleman

Defendant.)

A hearing was held to determine pretrial conditions of release of the defendant pursuant to 18 U.S.C. § 3142. The Federal Judge determined an unconditional release pursuant to 18 U.S.C. § 3142(b) is not sufficient to assure the appearance of the defendant and the safety of the community. Thus, conditions of pretrial release are necessary pursuant to 18 U.S.C. § 3142(c). *Good cause appearing,*

IT IS ORDERED that the defendant shall be released subject to the condition that the defendant: (a) *not commit a federal, state or local crime during the period of release,* (b) *make all court appearances and* (c) *comply with the conditions itemized below, as indicated by (✓), in accordance with 18 U.S.C. § 3142(c)(2):*

STANDARD CONDITIONS:

- ✓ 1. restrict travel to ☐ San Diego County, ☒ Southern District of California, ☐ Central District of California, ☐ State of California, ☐ United States, ☒ do not enter Mexico, ☐ other: _____;
- ✓ 2. report for supervision to Pretrial Services Agency (PSA) as directed by the assigned PSO and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court;
- ✓ 3. not possess or use any narcotic drug or controlled substance, (defined in 21 U.S.C. § 802), without a lawful medical prescription;
- ✓ 4. not possess any firearm, dangerous weapon or destructive device during the pendency of the case;
- ✓ 5. read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Form;
- ✓ 6. provide a current residence address and phone number prior to release and keep it current while case pending.

ADDITIONAL CONDITIONS:

- ___ 7. be able to legally remain in the United States during pendency of the proceedings;
- ___ 8. submit to treatment, and/or testing, as specified by the PSO, for:
 - ☐ drugs or alcohol, and/or ☐ psychiatric or psychological counseling;
- ___ 9. participate in a Global Positioning System (GPS) satellite monitoring program ☐ active ☐ passive, including, release of defendant to PSA custody; and ☐ residence restrictions and/or ☐ permissive travel for employment. Defendant and sureties are responsible for GPS equipment loss or damage.
 - ☐ submit to supervision and custody of _____; and/or
 - ☐ remain at a specified residence (curfew) between the hours of _____ P.M. and _____ A.M. daily;
- ✓ 10. actively seek and maintain full-time employment, schooling, or combination of both;
- ✓ 11. execute a personal appearance bond in the amount of \$ 30,000 secured by:
 - ☐ a trust deed to the United States on real estate approved by a Federal Judge;
 - ☒ the co-signatures of one financially responsible (replied) adults;
 - ☒ Nebbia Hearing ☒ Exam of Sureties ☐ other: _____
- ___ 12. provide the court with: ☐ a cash bond and/or ☐ execute a bail bond by an approved solvent corporate surety in the amount of \$ _____ that covers **ALL** conditions of release (not just appearances).
- ___ 13. 18 U.S.C. § 3142(d) hold until _____; if no detainer is lodged by then, these conditions take effect.
- ___ 14. clear all warrants/FTA's within _____ days of release.
- ___ 15. all conditions previously set will remain the same. *all*
- ✓ 16. other conditions: *① must surrender passport and identification documents belonging to Δ in a name other than Benjamin Leon Coleman to PSA*
② Δ may not engage in any financial transaction without prior approval of PSA
③ Δ may not work or consult in the financial field.

DATED: 12/13/07

cc: Defendant/Counsel & U.S. Pretrial Services

[Signature]
Federal Judge

Other Orders/Judgments

3:07-cr-03246-DMS USA v. Coleman

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 12/17/2007 at 4:38 PM PST and filed on 12/17/2007

Case Name: USA v. Coleman

Case Number: 3:07-cr-3246

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Document Number: 6

Docket Text:

Findings and Recommendation as to Benjamin Leon Coleman:

Recommending that the district judge accept the defendant's plea of guilty.

Objection must be filed within 14 days of the date of this order. Signed by Judge Barbara Lynn Major on 12/13/07. (lao)

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123 Mesa Vista Road

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[STAMP dcecfStamp_ID=1106146653 [Date=12/17/2007]

[FileNumber=2325909-

0]

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6a8d6387a401ec0511c529e0619157fcdcf86cfbd702660d1f9f0997c93bd]]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN LEON COLEMAN(1),

Defendant.

Criminal No. **07CR3246-DMS**

**FINDINGS AND RECOMMENDATION
OF THE MAGISTRATE JUDGE UPON
A PLEA OF GUILTY**

Upon Defendant's request to enter a plea of Guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter was referred to the Magistrate Judge by the District Judge, with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States.

Thereafter, the matter came on for a hearing on Defendant's plea of guilty, in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge, in open court and on the record.

In consideration of that hearing and the allocution made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney,

///

I make the following FINDINGS - that the Defendant understands:

1. the right to persist in a plea of "not guilty";
2. the right to a speedy and public trial;
3. the right to be tried by a jury, or the ability to waive that right and have a judge try the case without a jury;
4. the right to the assistance of counsel at trial;
5. that, at trial, there would be the right to confront and cross-examine the witnesses against the Defendant;
6. that, at trial, there is the right to present a defense, and the right to have witnesses subpoenaed to testify on the Defendant's behalf;
7. that, at trial, the Defendant would have the right against compelled self-incrimination;
8. the nature of the charge filed in this case;
9. the maximum possible sentence that could be imposed (including imprisonment, fine, term of supervised release, and mandatory special assessment), the effect of a supervised release term, and that the sentencing guidelines are only advisory so that the Court may sentence Defendant up to the statutory maximum;
10. the terms of the plea agreement;

I further find that:

11. that Defendant's plea of guilty is made knowingly and voluntarily;
12. the Defendant is competent to enter a plea; and
13. there is a factual basis for Defendant's plea.

I therefore RECOMMEND that the District Judge accept the Defendant's plea of guilty.

///

1 The sentencing hearing will be before United States District Judge DANA M.
2 SABRAW, on 02/29/08, at 9:00AM.

3 Objections to these Findings and Recommendation must be filed within 14 days of the
4 date of this order.

5
6
7 Dated: 12/13/07


8 BARBARA L. MAJOR
9 United States Magistrate Judge

10 Copies to:

11 Hon. DANA M. SABRAW
12 U.S. District Judge

13 MITCHELL DEMBIN
14 United States Attorney

15 ROGER AGAJANIAN
16 Counsel for Defendant
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